

EXHIBIT B

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
HVT, INC.,

CV-15-5867 (MC) (VMS)

Plaintiff,

**DEFENDANT'S ANSWER TO
PLAINTIFF**

-against-

PORT AUTHORITY OF NEW YORK AND
NEW JERSEY,

Defendants.

-----X
Defendant, The Port Authority of New York and New Jersey, hereafter referred to as
"Port Authority", by its Attorney of Record, James M. Begley, Esq., as and for its answer to the
Complaint of the Plaintiff shows to this court upon information and belief as follows:

JURISDICTION AND VENUE

- 1) Denies knowledge or information to either admit or deny the allegations contained in paragraph designated "1" of the plaintiff's complaint.
- 2) Denies knowledge or information to either admit or deny the allegations contained in paragraph designated "2" of the plaintiff's complaint.
- 3) Denies knowledge or information to either admit or deny the allegations contained in paragraph designated "3" of the plaintiff's complaint.
- 4) Denies knowledge or information to either admit or deny the allegations contained in paragraph designated "4, of the plaintiff's complaint.
- 5) Denies knowledge or information to either admit or deny the allegations contained in paragraph designated "5" of the plaintiff's complaint.

PARTIES

6) Denies knowledge or information to either admit or deny the allegations contained in paragraph designated “6” of the plaintiff’s complaint.

7) Denies knowledge or information to either admit or deny the allegations contained in paragraph designated “7”, except admits that the Port Authority is a body corporate and politic created by Compact between the States of New York and New Jersey with the consent of the Congress of the United States, and has its principal place of business at Four World Trade Center, 150 Greenwich Street, New York, New York 10007.

INTRODUCTION

8) Denies the allegations contained in paragraph designated “8” of the plaintiff’s complaint.

FACTS

9) Denies knowledge or information to either admit or deny the allegations contained in paragraph designated “9” of the plaintiff’s complaint.

10) Denies knowledge or information to either admit or deny the allegations contained in paragraph designated “10” of the plaintiff’s complaint.

11) Denies knowledge or information to either admit or deny the allegations contained in paragraph designated “11” of the plaintiff’s complaint.

12) Denies knowledge or information to either admit or deny the allegations contained in paragraph designated “12” of the plaintiff’s complaint.

13) Denies knowledge or information to either admit or deny the allegations contained in paragraph designated “13” of the plaintiff’s complaint, except admits that the Port Authority Police Department impounded the Subject Vehicle (as referenced in the Complaint) on March 14, 2015.

14) Denies knowledge or information to either admit or deny the allegations contained in paragraph designated "14" of the plaintiff's complaint.

15) Denies knowledge or information to either admit or deny the allegations contained in paragraph designated "15" of the plaintiff's complaint.

16) Denies the allegations contained in paragraph designated "16" of the plaintiff's complaint, except admits that on April 22, 2015 the Port Authority sent a letter to plaintiff and refers to said letter for its terms and content, and respectfully refers all questions of law, fact and/or conclusions raised therein to the Court.

17) Denies the allegations contained in paragraph designated "17" of the plaintiff's complaint.

18) Denies the allegations contained in paragraph designated "18" of the plaintiff's complaint.

19) Denies the allegations contained in paragraph designated "19" of the plaintiff's complaint.

20) Denies the allegations contained in paragraph designated "20" of the plaintiff's complaint.

21) Denies the allegations contained in paragraph designated "21" of the plaintiff's complaint.

22) Denies the allegations contained in paragraph designated "22" of the plaintiff's complaint.

23) Denies the allegations contained in paragraph designated "23" of the plaintiff's complaint.

24) Denies the allegations contained in paragraph designated "24" of the plaintiff's complaint.

25) Denies the allegations contained in paragraph designated "25" of the plaintiff's complaint.

26) Denies knowledge or information to either admit or deny the allegations contained in paragraph designated "26" of the plaintiff's complaint.

CAUSES OF ACTION

COUNT I

Violation of Civil Rights Pursuant to title 42 U.S.C. §1983 (Deprivation of Property Without Due Process of Law)

27) Port Authority repeats and reiterates each and every denial contained in paragraphs "1" through "26" of the this Answer as if fully set forth herein.

28) Denies knowledge or information to either admit or deny the allegations contained in paragraph designated "28" of the plaintiff's complaint.

29) Denies the allegations contained in paragraph designated "29" of the plaintiff's complaint.

30) Denies the allegations contained in paragraph designated "30" of the plaintiff's complaint.

31) Denies the allegations contained in paragraph designated "31" of the plaintiff's complaint.

32) Denies the allegations contained in paragraph designated "32" of the plaintiff's complaint.

33) Denies the allegations contained in paragraph designated "33" of the plaintiff's complaint.

34) Denies the allegations contained in paragraph designated “34” of the plaintiff’s complaint.

35) Denies the allegations contained in paragraph designated “35” of the plaintiff’s complaint.

36) Denies the allegations contained in paragraph designated “36” of the plaintiff’s complaint.

37) Denies the allegations contained in paragraph designated “37” of the plaintiff’s complaint.

38) Denies knowledge or information to either admit or deny the allegations contained in paragraph designated “38” of the plaintiff’s complaint.

39) Denies knowledge or information to either admit or deny the allegations contained in paragraph designated “39” of the plaintiff’s complaint.

40) Denies the allegations contained in paragraph designated “40” of the plaintiff’s complaint.

41) Denies the allegations contained in paragraph designated “41” of the plaintiff’s complaint.

42) Denies the allegations contained in paragraph designated “42” of the plaintiff’s complaint.

43) Denies the allegations contained in paragraph designated “43” of the plaintiff’s complaint.

44) Denies the allegations contained in paragraph designated “44” of the plaintiff’s complaint.

COUNT II

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45) Port Authority repeats and reiterates each and every denial contained in paragraphs “1” through “44” of the this Answer as if fully set forth herein.

46) Denies knowledge or information to either admit or deny the allegations contained in paragraph designated “46” of the plaintiff’s complaint.

47) Denies the allegations contained in paragraph designated “47” of the plaintiff’s complaint.

48) Denies the allegations contained in paragraph designated “48” of the plaintiff’s complaint.

49) Denies the allegations contained in paragraph designated “49” of the plaintiff’s complaint.

50) Denies the allegations contained in paragraph designated “50” of the plaintiff’s complaint.

COUNT III

**Violation of New York Constitution Article I, Sec. 6
(Deprivation of Property Without Due Process of Law)**

51) Port Authority repeats and reiterates each and every denial contained in paragraphs “1” through “50” of the this Answer as if fully set forth herein.

52) Denies knowledge or information to either admit or deny the allegations contained in paragraph designated “52” of the plaintiff’s complaint.

53) Denies the allegations contained in paragraph designated “53” of the plaintiff’s complaint.

54) Denies the allegations contained in paragraph designated “54” of the plaintiff’s complaint.

55) Denies the allegations contained in paragraph designated “55” of the plaintiff’s complaint.

56) Denies the allegations contained in paragraph designated “56” of the plaintiff’s complaint.

57) Denies the allegations contained in paragraph designated “57” of the plaintiff’s complaint.

58) Denies the allegations contained in paragraph designated “58” of the plaintiff’s complaint.

59) Denies the allegations contained in paragraph designated “59” of the plaintiff’s complaint.

60) Denies the allegations contained in paragraph designated “60” of the plaintiff’s complaint.

61) Denies the allegations contained in paragraph designated “61” of the plaintiff’s complaint.

62) Denies knowledge or information to either admit or deny the allegations contained in paragraph designated “62” of the plaintiff’s complaint.

63) Denies knowledge or information to either admit or deny the allegations contained in paragraph designated “63” of the plaintiff’s complaint.

64) Denies the allegations contained in paragraph designated “64” of the plaintiff’s complaint.

65) Denies the allegations contained in paragraph designated “65” of the plaintiff’s complaint.

66) Denies the allegations contained in paragraph designated “66” of the plaintiff’s complaint.

67) Denies the allegations contained in paragraph designated “67” of the plaintiff’s complaint.

68) Denies the allegations contained in paragraph designated “68” of the plaintiff’s complaint.

COUNT IV
Declaratory Relief

69) Denies the allegations contained in paragraph designated “69” of the plaintiff’s complaint.

70) Denies the allegations contained in paragraph designated “70” of the plaintiff’s complaint.

71) Denies the allegations contained in paragraph designated “71” of the plaintiff’s complaint.

MONELL LIABILITY

72) Denies the allegations contained in paragraph designated “72” of the plaintiff’s complaint.

73) Denies the allegations contained in paragraph designated “73” of the plaintiff’s complaint.

74) Denies the allegations contained in paragraph designated “74” of the plaintiff’s complaint.

75) Denies the allegations contained in paragraph designated “75” of the plaintiff’s complaint.

76) Denies the allegations contained in paragraph designated “76” of the plaintiff’s complaint.

77) Denies the allegations contained in paragraph designated “77” of the plaintiff’s complaint.

78) Denies the allegations contained in paragraph designated “78” of the plaintiff’s complaint.

79) Denies the allegations contained in paragraph designated “79” of the plaintiff’s complaint.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

Plaintiff fails to state a claim for which relief can be granted.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

That, to the extent plaintiff has incurred any damages, such damages are nominal

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

Plaintiff’s cause of action is not ripe for adjudication since it failed to exhaust all remedies prior to commencing this action.

AS AND FOR A FORTH AFFIRMATIVE DEFENSE

Defendant did not violate any duty owed to the Plaintiffs under common law, statute, regulation or standard.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

If the Plaintiffs suffered damages, the same were caused by claimants own conduct, or by the conduct of its lessee, agents, representatives, and consultants.

AS AND FOR A SIXTH AFFIRMATIVE DEFENSE

Defendant had authority to take possession of Plaintiff's property due as a result of a law enforcement action.

AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE

Defendant has a lawfully lien in the Plaintiff's property and was entitled to rely on its right to the possession of the personal property until its claim for storage said property was paid

RESERVATION OF DEFENSES AND OBJECTIONS

Defendant hereby reserves the right to interpose such other defenses and objections as a continuing investigation may disclose.

JURY DEMAND

Defendant Port Authority hereby demands a trial by jury on all issues.

RESERVATION TO STRIKE

Defendant reserves the right to move at or before the trial of this matter to strike the Complaint on the grounds set forth in the affirmative defenses. Third-party Defendant hereby reserves the right to move at or before trial of this matter to strike the Third-party Complaint on the grounds that it fails to set forth a cause of action.

WHEREFORE, defendant, Port Authority, demands judgment dismissing the complaint together with costs and disbursements incurred by it in its defense of this action

Dated: New York, New York
January 12, 2016

James M. Begley
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